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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CALIFORNIA COALITION FOR WOMEN
PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
G.M.; A.S.; and L.T., individuals on behalf of
themselves and all others similarly situated,

Plaintiffs

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS, a governmental entity;
BUREAU OF PRISONS DIRECTOR
COLETTE PETERS, in her official capacity;
FCI DUBLIN WARDEN THAHESHA JUSINO,
in her official capacity; OFFICER
BELLHOUSE, in his individual capacity;
OFFICER GACAD, in his individual capacity;
OFFICER JONES, in his individual capacity;
LIEUTENANT JONES, in her individual
capacity; OFFICER LEWIS, in his individual
capacity; OFFICER NUNLEY, in his individual
capacity; OFFICER POOL, in his individual
capacity; LIEUTENANT PUTNAM, in his
individual capacity; OFFICER SERRANO, in
his individual capacity; OFFICER SHIRLEY, in
his individual capacity; OFFICER SMITH, in his
individual capacity; and OFFICER VASQUEZ,
in her individual capacity,

Defendants.

CASE NO. 4:23-CV-04155-YGR

**UNITED STATES' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL AND FOR
IN CAMERA REVIEW**

Pursuant to Civil Local Rules 79-5 of the United States District Court for the Northern District of California, the United States of America respectfully requests that it be permitted to file excerpts from the Brief in Support of its Rule 60 Motion for Relief under seal, and the entirety of the Nancy McKinney declaration under seal, and that such documents be reviewed in camera.. These documents contain highly sensitive information regarding facility safety and security at FCI Dublin.

Good cause exists for this request. As grounds for this administrative motion, the United States has satisfied the requirements of Civil Local Rule 7-10. It requires:

(1) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of: (i) the legitimate private or public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not sufficient;

(2) evidentiary support from declarations where necessary; and

(3) a proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed. Civil Local Rule 7-10(c).

Maintaining the confidentiality of documents with detailed information about prison management and security (1) serves a compelling interest; (2) there is a substantial probability that, in the absence of sealing, this compelling interest would be harmed; and (3) there are no alternatives to sealing that would adequately protect the compelling interest. *See In re Copley Press, Inc.*, 518 F.3d 1022, 1028 (9th Cir. 2008). Maintaining the security of prisons is undoubtedly a compelling interest, as the issues of discipline, order, safety, and security in penal institutions are crucial. *Cutter v. Wilkinson*, 544 U.S. 709, 723, (2005); *Warsoldier v. Woodford*, 418 F.3d 989, 998 (9th Cir. 2005) (stating prison security “clearly is” a compelling state interest).

If the excerpts and document filed under seal were disclosed, the interest of prison security would be harmed. (Doc. 236-2, Lothrop Decl.) Excerpts from the United States’ Brief in Support of its Rule 60 Motion for Relief and the entirety of McKinney’s declaration contain highly sensitive information. They relate to the management of FCI Dublin, including details about operational decisions and future planning at the facility. Disclosure of such information to the public, to adults in custody (AICs), or to opposing counsel would be detrimental to facility management and would increase risk to

BOP staff and AICs alike. (Doc. 236-2, ¶¶ 3-4.)

Further, reviewing this document in camera is appropriate under the circumstances. The information contained in the exhibit is highly sensitive material that should not be disclosed to the public or opposing counsel. (Doc. 236-2, ¶¶ 3-4.)

Sealing the excerpts and document is the narrowest way to protect such information, and the United States seeks to seal excerpts of the motion and the entirety of McKinney's declaration at this time.

A proposed order is attached that is narrowly tailored to seal these documents.

Therefore, to ensure the safety of prison employees and AICs, the United States requests that the Court enter an order under Civil Local Rule 79-5 to place the following under seal:

Document and Portion of Document to be Sealed	Evidence Offered in Support of Sealing	Ruling
Brief ISO Rule 60 Motion for Relief Pg. 2, lns. 12-13	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 3, lns. 14-28	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 4, lns. 1-6, 9, 10-11, 16-17, 27-28	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg.5, lns. 1-14	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 6, lns. 4, 5, 6-7, 8, 21, 22	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 9, lns. 12-15, 17, 18	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 12, lns. 12, 14-15, 25-26	Lothrop Decl., Doc. 236-2.	
Brief ISO Rule 60 Motion for Relief Pg. 14, lns. 16, 17, 18, 20	Lothrop Decl., Doc. 236-2.	
McKinney Declaration	Lothrop Decl., Doc. 236-2.	

WHEREFORE, the United States respectfully requests that the Court grant this Administrative Motion and enter the attached proposed order sealing the United States' filings.

Dated this 16th day of April, 2024.

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